

REMARKS

The present amendment is in response to the Office Action, dated February 25, 2004, where the Examiner has rejected claims 1-20, and has objected to claims 21-22. By the present amendment, claims 1, 9, 17, 21 and 22 have been amended, and new claims 23-54 have been added. After the present amendment, claims 1-54 are pending in the application. Reconsideration and allowance of pending claims in view of the amendments and the following remarks are respectfully requested.

A. Rejection of Claims 1, 3-5, 7, 9-11, 16-18 and 20 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3-5, 7, 9-11, 16-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gray, et al. (USPN 5,454,031) (hereinafter "Gray") in view of Damoci, et al. (USPN 5,454,031) ("Damoci"). Applicant respectfully disagrees.

Claim 1, as amended, recites: "An apparatus for interfacing customer premise equipment with a telephone network, the apparatus comprising: an interface within the customer premise equipment that is coupled to the telephone network, the interface comprising a current source, wherein the current source provides a constant current to the customer premise equipment when a line impedance of the telephone network varies in a predetermined range when the customer premise equipment is off-hook; and a tip conductor and a ring conductor, both the tip conductor and the ring conductors are coupled to the interface."

The Examiner acknowledges that Gray fails to teach that the Transistor Network 260 provides a constant current to the customer premises equipment when a line impedance of the telephone network varies in a predetermined range when the customer premises equipment is off-

hook. (Office Action, page 3, lines 13-15.) However, the Examiner goes on to state that Damoci teaches such feature at Col. 5, lines 30-48, for a purpose of having a modem to go off-hook, or having it go back on-hook if it was off-hook. (Office Action, page 3, lines 16-17.)

Applicant respectfully but strongly disagrees with the Examiner's reading of Damoci. Applicant respectfully submits that the Examiner's reliance on Damoci is misplaced, because Damoci merely states that "telephone line impedance can vary anywhere from 440 to 3600 Ohms", and that "a Zener diode D100 is provided, which will maintain the line voltage across tip and ring, at approximately 17 volts DC." (col. 5, lines 37-42.) However, Damoci fails to disclose, teach or suggest that a constant current is provided to the customer premises equipment. Applicant respectfully submits that maintaining the voltage at 17 volts using a Zener diode does not lead to maintaining the current at a constant value in Damoci. In fact, in Damoci, the current can vary substantially. Further, applicant does not dispute that one of ordinary skill in the art, at the time of the invention, knew that the telephone line impedance could vary depending on the load, which is all that is taught by Damoci, at Col. 5, lines 30-48. However, the cited references fail to disclose, teach or suggest a current source for providing a constant current to the customer premises equipment, despite the variations in the line impedance.

Accordingly applicant respectfully submits that claim 1, as amended, and its dependent claims 3-5 and 7 should be allowed.

At least for the same reasons stated above in conjunction with patentability of claim 1, applicant respectfully submits that independent claims 9 and 17, as amended, and their respective dependent claims 10-11, 16, 18 and 20 should also be allowed.

B. Rejection of Claims 2, 6, 12, 15 and 19 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2, 6, 12, 15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Damoci and further in view of Seazhotz et al. (USPN 5,737,706) (hereinafter "Seazhotz"). Applicant respectfully disagrees.

Applicant respectfully submits that claims 2 and 6 depend from claim 1, claims 12 and 15 depend from claim 9, and claim 19 depends from claim 17. At least for the same reasons stated above in conjunction with patentability of claims 1, 9 and 17, applicant respectfully submits that their respective dependent claims 2, 6, 12, 15 and 19 should also be allowed.

C. Rejection of Claims 8 and 13-14 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 8 and 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Damoci and further in view of Sun et al. (USPN 6,212,263) (hereinafter "Sun"). Applicant respectfully disagrees.

Applicant respectfully submits that claim 8 depends from claim 1, and claims 13-14 depend from claim 9. At least for the same reasons stated above in conjunction with patentability of claims 1 and 9, applicant respectfully submits that their respective dependent claims 8 and 13-14 should also be allowed.

D. Objection to Claims 21-22 and New Claims 23-54

The Examiner has objected to claims 21 and 22 for depending upon rejected base claims 1 and 9, respectively, but the Examiner has stated that claims 21 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening

claims. Applicant acknowledges and appreciates the Examiner's statement regarding allowability of claims 21 and 22.

By the present amendment, claim 21 has been amended to include all of the limitations of claim 1, except the limitation added by the previous amendment, namely "drawn from the telephone network", which the Examiner alleges to be disclosed by Gray. Accordingly, applicant respectfully submits that claim 21, as amended, is now in condition for allowance.

Further, applicant has added dependent claims 23-33 and 52, which depend from claim 21. It is respectfully submitted that claims 23-29 are the same as claims 2-8 which depend from claim 1; claims 30-33 find support, for example, on pages 8-9 of the detailed specification and Figure 4; and claim 52 includes the limitation "drawn from the telephone network." Applicant respectfully submits that claims 23-33 and 52 are in condition for allowance at least for the same reason as claim 21.

In addition, claim 22 has been amended to include all of the limitations of claim 9, except the limitation added by the previous amendment, namely "drawn from the telephone network", which the Examiner alleges to be disclosed by Gray. Accordingly, applicant respectfully submits that claim 22, as amended, is now in condition for allowance.

Also, applicant has added dependent claims 34-44 and 53, which depend from claim 22. It is respectfully submitted that claims 34-40 are the same as claims 10-16 which depend from claim 1; claims 41-44 find support, for example, on pages 8-9 of the detailed specification and Figure 4; and claim 53 includes the limitation "drawn from the telephone network." Applicant respectfully submits that claims 34-44 and 53 are in condition for allowance at least for the same reason as claim 22.

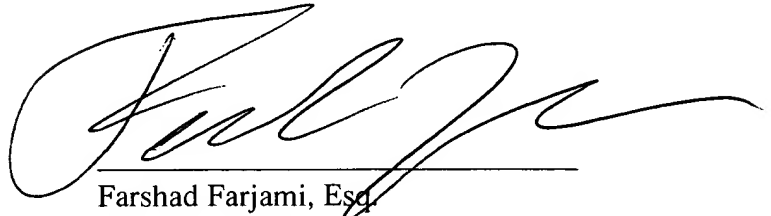
By the present amendment, applicant has also added a new independent method claim 45, which includes all of the limitations of claim 17, as amended, in addition to limitations similar to those of claims 21 and 22, which have been objected to by the Examiner. Accordingly, applicant respectfully submits that new independent method claim 45 is also in condition for allowance. Further, applicant has added dependent claims 46-48 and 54, which depend from claim 45. It is respectfully submitted that claims 46-48 are the same as claims 18-20 which depend from claim 17; and claim 54 includes the limitation "drawn from the telephone network." Applicant respectfully submits that claims 46-48 and 54 are in condition for allowance at least for the same reason as claim 17.

Moreover, by the present amendment, applicant has added new dependent claims 49, 50 and 51, which depend upon claims 1, 9 and 17, respectively, and include the limitation "drawn from the telephone network." At least for the same reasons stated above in conjunction with patentability of claims 1, 9 and 17, applicant respectfully submits that their respective dependent claims 49, 50 and 51 should also be allowed.

E. Conclusion

For all the foregoing reasons, an early allowance of claims 1-54 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
FARJAMI & FARJAMI LLP

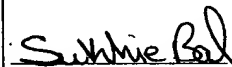


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